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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 JIANLIANG ZHU,

) No. C 08-0304 JCS

13 Plaintiff,

)

14 v.

) STIPULATION TO HOLD CASE IN
ABEYANCE; and [PROPOSED] ORDER

15 MICHAEL CHERTOFF, Secretary of the

)

Department of Homeland Security;

)

16 CHRISTINA POULOS, Director,

)

California Service Center, U.S.C.I.S.;

)

17 CONDOLEEZZA RICE, Secretary of State,

)

18 Defendants.

)

19 Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys

20 of record, hereby stipulate, subject to the approval of the Court, to the following:

21 1. Plaintiff filed this action on January 16, 2007, asking this Court to direct the United States

22 Citizenship and Immigration Services (USCIS) to adjudicate his I-824 Application (Application

23 For Action On An Approved Application or Petition) and the Department of State to issue an

24 immigrant visa to his son.

25 2. The USCIS approved the plaintiff's I-824 application on March 5, 2008.

26 3. On March 24, 2008, this Court approved the parties' stipulation to extend the answer

27 deadline to April 11, 2008, and to extend the date of the case management conference to May 9,

28 STIPULATION TO HOLD CASE IN ABEYANCE

C 08-0304 JCS

1 2008.

2 4. On April 4, 2008, this Court approved the parties' stipulation to extend the answer date, the
3 ADR date, the joint case management date, and the case management conference date, in light of
4 the fact that USCIS had recently forwarded the approved I-824 to the Department of State's
5 National Visa Center, which is the first step in the process of issuing a visa.

6 5. The approved I-824 has recently been routed to the American Consulate in Guangzhou,
7 China, for processing of the visa application.

8 6. The American Consulate in Guangzhou will begin processing the visa application once the
9 applicant provides a name, date and place of birth, and Chinese mailing address.

10 7. Although the statutory quota for employment-based third preference applicant (EB-3) has
11 been filled this year and a visa cannot be issued in this case until October 1, 2008, the consulate
12 can begin processing the case now (after the plaintiffs submit the information referred to in
13 paragraph six).

14 8. In light of the information set forth above, the parties respectfully ask this Court to hold this
15 case in abeyance for four months, in light of the reasonable possibility that this case may be
16 administratively resolved in the interim.

17 9. In the event the case is administratively resolved, the parties will file a stipulation to
18 dismiss. If the case is not administratively resolved within four months, the parties will ask this
19 Court to set a case management conference and will submit a joint case management statement at
20 least seven days in advance of the case management conference.

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4 Date: July 18, 2008

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 /s/
8 EDWARD A. OLSEN
9 Assistant United States Attorney
Attorneys for Defendants

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11 Date: July 18, 2008

/s/
12 JUSTIN X. WANG
13 Attorney for Plaintiff

14 **ORDER**

15 Pursuant to stipulation, IT IS SO ORDERED.

16 Date: July 21, 2008

17 The cmc set for 7/25/8 at 1:30 PM has been continued to 11/14/8 at 1:30 PM.

